

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

IN RE:	Chapter 11
DEATH'S DOOR SPIRITS, LLC,	Case No.: 18-13912
DEATH'S DOOR DISTILLERY, LLC;	Case No.: 18-13915
Debtors.	Jointly Administered

NOTICE OF BAR DATES FOR FILING PROOF OF CLAIMS

To: ALL INTERESTED PARTIES

PLEASE TAKE NOTICE, that on December __, 2018, Death's Door Spirits, LLC and Death's Door Distillery, LLC (the "Debtors") filed a motion for entry of an order fixing a bar date within which all creditors and other parties in interest holding claims against the above captioned Debtors or interests in the above captioned Debtors must file proofs of claim with the clerk of the United States Bankruptcy Court for the Western District of Wisconsin (the "Court").

Pursuant to Section 101(5) of the Bankruptcy Code as used herein, the word "claim" means (a) a right to payment whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right or equitable remedy is reduced to judgment, fixed contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

BAR DATES

By Order of this Court entered on _____ (the "Bar Date Order"), the Court has set dates, as stated herein, (the "Bar Dates") for interested parties to file all claims against the Debtors. *Among other Bar Dates, the Bar Date Order requires that all parties making claims pursuant to 11 U.S.C. § 503(b)(9) file their claims by the specific Bar Date.*

GENERAL BAR DATE

Pursuant to the Bar Date Order, the last date and time for filing proofs of claim against the Debtors for any claim against Debtors that arose prior to November 21, 2018 (the "Petition Date") is **March 5, 2019** (the "General Bar Date"). The General Bar Date and the procedures set forth below for the filing of proofs of claim apply to all Prepetition Claims against Debtors (as defined in Section 101(27) of the Bankruptcy Code).

You **MUST** file a proof of claim if you have a claim that arose on or before the Petition Date, and it is not an Excluded Prepetition Claim (as defined below). Acts or omissions of the Debtors that arose on or before the Petition Date may give rise to claims against the Debtors, even if such claims may not have matured or become fixed or liquidated prior to the Petition Date.

The General Bar Date applies to all Prepetition Claims, except that the following entities **do not** need to file proofs of claims:

- (a) any entity that has already properly filed with the Court a proof of claim against Debtors for which no other or additional amounts or claims are sought;
- (b) any entity (i) whose Prepetition Claim is not listed as "disputed," "contingent," or "unliquidated" in the Debtors' schedules of assets and liabilities (the "Schedules"), and (ii) that agrees with the nature, classification and amount of such Prepetition Claim set forth in the Schedules; and
- (c) any entity whose Prepetition Claim has been allowed previously by, or paid pursuant to, an order of the Court.

The claims described in (a) through (c) are collectively referred to herein as the "Excluded Prepetition Claims."

§ 503(b)(9) BAR DATE

All parties who have a claim against the Debtors pursuant to 11 U.S.C. § 503(b)(9) must file an appropriate § 503(b)(9) form by the General Bar Date, **March 5, 2019**. Administrative expense claims allowed pursuant to § 503(b)(9) are those for the value of goods received by the Debtors within twenty (20) days before the Petition Date in which such goods were sold to the Debtors in the ordinary course of Debtors' businesses.

INTERESTS BAR DATE

All parties holding securities or interests in the Debtors must file proof of such interest by the General Bar Date.

GOVERNMENTAL UNIT BAR DATE

Pursuant to the Bar Date Order, the last date and time for filing proofs of claim against the Debtors for any claim of a governmental unit, as defined by 11 U.S.C. § 101(27) and Fed. R. Bankr. P. 3002(c)(1), is **April 30, 2019**.

REJECTION BAR DATE

If you wish to submit a rejection damages claim arising from the Debtors' rejection of an executory contract or unexpired lease during these Chapter 11 Cases, such proof of claim must be filed by the later of (a) the General Bar Date or (b) thirty (30) days after the effective date of rejection or such executory contract or unexpired lease as provided by an order of this Court or pursuant to a notice under procedures approved by this Court (the "Rejection Bar Date"); together with the General Bar Date.

Any other claims arising before the Petition Date with respect to any leases or contracts of the Debtors must be filed by the General Bar Date.

A creditor **MUST** file a proof of claim if it has a claim based upon the rejection of an executory contract or unexpired lease agreement, and it is not an Excluded Prepetition Claim.

FAILURE TO FILE PROOFS OF CLAIMS

EXCEPT WITH RESPECT TO EXCLUDED PREPETITION CLAIMS, ANY ENTITY THAT IS REQUIRED TO FILE A PROOF OF CLAIM FOR ANY PREPETITION CLAIM THAT SUCH ENTITY HOLDS OR WISHES TO ASSERT AGAINST DEBTORS, BUT FAILS TO DO SO BY THE APPLICABLE BAR DATE DESCRIBED IN THIS NOTICE WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH PREPETITION CLAIM (OR FILING A PROOF OF CLAIM WITH RESPECT TO SUCH PREPETITION CLAIM) AGAINST THE DEBTORS, AND THE DEBTORS AND THEIR PROPERTY WILL BE FOREVER DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO SUCH PREPETITION CLAIM, AND SUCH ENTITY SHALL NOT BE PERMITTED TO VOTE ON ANY PLAN OR PARTICIPATE IN ANY DISTRIBUTION

IN THESE CHAPTER 11 CASES ON ACCOUNT OF SUCH PREPETITION CLAIM, OR TO RECEIVE FURTHER NOTICES REGARDING SUCH PREPETITION CLAIM.

YOU SHOULD NOT FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST THE DEBTORS. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTORS OR THE COURT BELIEVES THAT YOU HAVE A CLAIM.

PROCEDURES GENERALLY APPLICABLE TO THE FILING OF PROOFS OF CLAIMS

Except as stated in this notice, proofs of claim must be filed **so as to be received** on or before the General Bar Date, **March 5, 2019**.

A proof of claim will be deemed timely filed only if the original proof of claim is filed electronically with the Court's CM/ECF filing system, or mailed or delivered by hand, courier or overnight service so as to be **actually received** by the Court at the following address on or before the General Bar Date:

Clerk of Bankruptcy Court
120 North Henry Street, Room 340
Madison, WI 53703

Proofs of claim may **not** be sent by facsimile or telecopy.

Other than a § 503(b)(9) claim, if you file a proof of claim, your filed proof of claim must (a) be written in the English language, (b) be denominated in lawful currency of the United States, (c) comply substantially with the online proof of claim form, B10, which can be found at http://www.wiwb.uscourts.gov/pro_se_main_creditors.htm under the link entitled "Form B10 – Proof of Claim Form" and filled out electronically, (d) attach copies of any writing upon which your asserted Prepetition Claim is based (unless they exceed twenty (20) pages in which case a summary identifying the relevant documents should be filed), and (e) be signed by the claimant or by an authorized agent of the claimant.

A copy of the official Proof of Claim form is enclosed for your use. Additionally, you may obtain a proof of claim form from any bankruptcy court clerk's office, from your lawyer, or from certain business supply stores.

A copy of the form to be used for §503(b)(9) claims is enclosed for your use if you have a § 503(b)(9) claim.

You may be listed as the holder of a claim against the Debtors in their Schedules. Copies of their Schedules and the Bar Date Order are available and may be examined by interested parties (i) at the office of the Bankruptcy Clerk of Court for the Western District of Wisconsin Madison Division, 120 North Henry Street, Room 340, Madison, WI 53703 during regular business hours, or (ii) on the Court's electronic docket of these cases at the web address <https://ecf.wiwb.uscourts.gov/>.

YOU SHOULD CONSULT YOUR ATTORNEY REGARDING ANY OTHER INQUIRIES, SUCH AS WHETHER YOU SHOULD FILE A PROOF OF CLAIM. DO NOT ATTEMPT TO CONTACT THE COURT FOR ADVICE.

Dated this ____ day of January, 2019.

DeMARB BROPHY LLC
Proposed Attorneys for Debtor

By: _____
Rebecca R. DeMarb
State Bar No.: 1026221
One North Pinckney Street
Suite 300
Madison, WI 53703
(608) 310-5500
rdemarb@demarb-brophy.com

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____

Case number _____

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim**1. Who is the current creditor?**

Name of the current creditor (the person or entity to be paid for this claim) _____

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?☐ No☐ Yes. From whom? _____**3. Where should notices and payments to the creditor be sent?**Federal Rule of
Bankruptcy Procedure
(FRBP) 2002(g)**Where should notices to the creditor be sent?**

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Where should payments to the creditor be sent? (if different)

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):
_____**4. Does this claim amend one already filed?**☐ No☐ Yes. Claim number on court claims registry (if known) _____Filed on _____
MM / DD / YYYY**5. Do you know if anyone else has filed a proof of claim for this claim?**☐ No☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____

7. How much is the claim? \$ ____ Does this amount include interest or other charges?
☐ No
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? ☐ No
☐ Yes. The claim is secured by a lien on property.
- Nature of property:**
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____
- Basis for perfection:** _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
- Value of property:** \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
- Amount necessary to cure any default as of the date of the petition:** \$ _____
- Annual Interest Rate** (when case was filed) _____ %
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☐ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☐ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____